

Gabriel K. White (11797)
THE LEGAL BEAGLE
2150 South 1300 East, Suite 500 - #9090
Salt Lake City, Utah 84106
Phone: 801.915.6152
Email: gabriel.white@saltlakeinjuryattorney.com
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

<p>JEFFREY RYANS, Plaintiff,</p> <p>v.</p> <p>SALT LAKE CITY CORPORATION, SALT LAKE CITY POLICE DEPARTMENT, OFFICE NICKOLAS PEARCE; OFFICER KEVIN JEWKES; and JOHN DOES 1-5</p> <p>Defendant.</p>	<p>PLAINTIFF’S MOTION TO LIFT STAY</p> <p>Case No: 2:22-cv-00279</p> <p>Judge Howard C. Nielson, Jr Magistrate Judge Cecilia M. Romero</p>
---	---

Plaintiff Jeffrey Ryans hereby moves to lift the stay entered by the court in this matter pending the resolution of the criminal case against Defendant Officer Nicholas Pearce. As Officer Pearce’s state criminal trial is now complete, this case should be allowed to move forward.

SPECIFIC RELIEF SOUGHT AND THE GROUNDS THEREFORE

This motion seeks to lift the stay entered by the Court on or about July 26, 2022. The basis for issuing the stay was concurrent criminal proceedings against Officer Pearce. Those proceedings have now concluded. The stay be lifted and that this case be allowed to proceed.

ARGUMENT

The decision to grant or lift a stay in federal court lies within the discretion of the court. The court typically considers factors such as the status of related criminal proceedings, the potential for interference between the civil and criminal cases, the interests of the parties involved, and the interests of judicial economy.

The primary reason for the stay in this case was the existence of concurrent criminal proceedings against Officer Nicholas Pearce. However, as of February 2, 2024, those criminal proceedings have concluded. The resolution of the criminal case removes the primary justification for the stay and supports the lifting of the stay in the civil matter.

Continuing the stay in this case could risk the loss of crucial evidence and witness testimony. Memories fade over time, and evidence may deteriorate or become lost. Lifting the stay will allow the plaintiff to promptly proceed with discovery and ensure that relevant evidence and witnesses are preserved.

Plaintiff has a right to seek redress for the violation of his constitutional rights. Continuing the stay unjustly deprives the Plaintiff of his day in court and prolongs his pursuit of justice.

CONCLUSION

For the reasons set forth above, the Court should grant Plaintiff's motion to lift the stay in this case given the resolution of the criminal charges against Officer Pearce.

DATED this 12th day of February 2024.

THE LEGAL BEAGLE

/s/ Gabriel K. White

Gabriel K. White

Attorney for Plaintiff

CERTIFICATE OF SERVICE

Plaintiff hereby certifies that he filed this document with the courts CM/ECF filing system, which serves documents on all parties to this case.

/s/ Gabriel K. White